

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JUDY KIRKBRIDE, PATRICIA BERGER,)	Case No. 2:21-cv-00022-ALM-EPD
MELODY MACKERT and BEETA LEWIS,)	
individually and on behalf of all others)	Chief Judge Alegenon L. Marbley
similarly situated,)	Magistrate Judge Elizabeth Deavers
)	
Plaintiffs,)	
)	
vs.)	
)	
THE KROGER CO.,)	
)	
Defendant.)	

ADDENDUM TO STIPULATED PROTECTIVE ORDER

Subject to Court approval, and at the request of third party MedImpact, the parties submit this addendum to the March 25, 2021, Stipulated Protective Order in this case (“Protective Order”). ECF No. 22. No changes to the current Stipulated Protective Order are intended other than those expressly stated here. To avoid delay in production of responsive information, this stipulation is contingent upon prompt approval by the Court, and by entering into this stipulation, Plaintiffs do not waive their right to move to compel the production of any confidential information of MedImpact that Defendant has not produced to date.

General

MedImpact will provide an email address to all parties that may be used to provide any required notices to MedImpact, requests for consent, or other communications related to the use of MedImpact documents or information in this case.

Section 8: Filing Materials Containing Information With A Confidentiality Designation

If a party seeks to file with the Court any documents or information of MedImpact that has been designated as confidential information subject to the Protective Order, all provisions of Section 8 apply with the following modifications:

1. With respect to the third paragraph of Section 8, if a party provides notice of an intent to file documents containing confidential information of MedImpact that may warrant sealing, MedImpact will qualify as a “potentially-prejudiced party” within the meaning of Section 8 of the Protective Order, and may file a motion to seal pursuant to the procedures set forth in Section 8. Alternatively, upon mutual agreement between Defendant and MedImpact, Defendant may file a motion to seal.

Section 14: All Trials Open To Public.

If a party seeks to use confidential documents or information of MedImpact at a trial, a hearing, or other pretrial proceeding covered by Section 14, all provisions of Section 14 apply with the following modifications:

1. The party intending to use the document or information shall provide advance notice to MedImpact pursuant to the procedures that are set forth in Section 14.

SO ORDERED.

Dated: March 7, 2023


U.S. District Judge/U.S. Magistrate Judge